

instructed me to issue a decision in this matter without delay.” The “instructs” language appears in Sibbison’s earlier drafts and apparently was unchanged by Leshy. However, when Babbitt testified before the Senate Committee as well as the grand jury, he claimed that in his letter he was denying that he said he was “told” or “instructed” to do anything by Ickes. He emphatically asserted he told Eckstein that Ickes “wants” or “expects” a prompt decision.⁶¹⁷

Babbitt said that he knew of the Eckstein affidavit before signing the McCain letter, but cannot recall when he saw it. Leshy told investigators he sent the Secretary a copy with a brief note, probably by internal office mail, around the time that the affidavit was received in the Solicitor’s Office – probably in January 1996 – but that he and Babbitt only discussed the affidavit in the context of responding to the McCain letter. Leshy recalled asking Babbitt, without referring specifically to the affidavit, “Did you talk to Harold Ickes about this,”⁶¹⁸ to which Babbitt answered “no.”⁶¹⁹ Leshy then edited the draft letter consistent with that denial.

Babbitt also said he could not be sure whether he has ever read the July 12 Wall Street Journal article itself, or only the description of it contained in Sen. McCain’s letter; he acknowledged, however, that the article had probably been routed to senior DOI officials and that he usually reviewed the news clips circulated by the press office. Babbitt said he was not certain whether he had McCain’s letter in front of him as he reviewed the draft he signed, but he feels

⁶¹⁷The language Babbitt wrote for inclusion in his Oct. 10, 1997, letter to Sen. Thompson also used the word “wants.” See Section II.K.2., *infra*.

⁶¹⁸OIC Interview of John Leshy, May 5, 1999, at 11.

⁶¹⁹*Id.*